

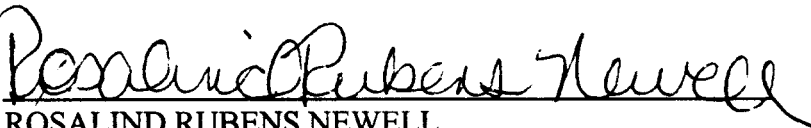
Entered -06-12-00 - sb
CL 00L0335 - ALEXIS HOLMES

00-*R*-1771

CLAIM OF: **JULON GREGORY**
Patrick R. Matarrese, Esq.
MONTLICK & ASSOCIATES
17 Executive Park Drive
Suite 310
Atlanta, Georgia 30347-0406

For personal injury and vehicular damages alleged to have been sustained from a police pursuit involving the Austell, the DeKalb, and the City of Atlanta Police Departments, on December 26, 1999, on Memorial Drive and Covington Highway.

**THIS ADVERSED REPORT IS
APPROVED:**

BY: 
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0335

Date: 10/19/00

Claimant /Victim JULON GREGORY

BY: (Atty) PATRICK R. MATARRESE, ESQ., MONTLICK & ASSOCIATES.

Address: 17 Executive Park Drive - Suite 310 P.O. Box 95406 - Atlanta, Georgia 30347-0406

Subrogation: Claim for Property damage \$ Bodily Injury \$2,458.00

Date of Notice: 6/02/00 Method: Written, proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.)

Date of Occurrence 12/26/99 Place: Memorial Drive and Covington Highway

Department POLICE Division:

Employee involved Disciplinary Action:

NATURE OF CLAIM: The Claimant alleges that he was injured as a passenger in an automobile collision as a result of a vehicular pursuit involving Austell, DeKalb and City of Atlanta Police Departments. An investigation determined that Claimants' vehicle was struck by a 1989 Buick LaSabre that was fleeing Police. The City is not responsible for the tort actions of third parties. Furthermore, under O.C.G.A. § 36-33-3, the City of Atlanta is not liable for tort actions of its police or other officers.

INVESTIGATION:

Statements: City employee Claimant X Others Written Oral

Pictures Diagrams Reports: Police X Dept Report Other

Traffic citations issued: City Driver Claimant Driver

Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial

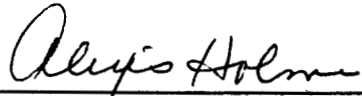
Improper Notice More than Six Months Other Damages reasonable

City not involved X Offer rejected Compromise settlement

Repair/replacement by Ins. Co. Repair/replacement by City Forces

Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01

Claims Manager:  Concur/date 10-19-00

Committee Action: Council Action

MONTLICK & ASSOCIATES, P.C.
ATTORNEYS AT LAW

17 EXECUTIVE PARK DRIVE • SUITE 310
P.O. BOX 95406 • ATLANTA, GEORGIA • 30347-0406
TELEPHONE (404) 235-5000 • FACSIMILE (404) 321-3323

May 31, 2000

ENTERED - 6-12-00 - SB
00L0335 - DOBBS JORDAN

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Bill Campbell
Mayor, City of Atlanta
2400 City Hall
55 Trinity Ave, SW
Atlanta, Georgia 30335

Clifford Hardwick
City Attorney of Atlanta
4100 City Hall Tower
68 Mitchell Street
Atlanta, Georgia 30335

Beverly Harvard
Chief of Police
Atlanta Police Department
175 Decatur Street
Atlanta, Georgia 30335

RE: ANTE LITEM NOTIFICATION

Pursuant to O.C.G.A. §§ 36-33-5 & 50-21-26

Our Client: Carlton Gregory, Jr.; Julon Gregory,
Christopher White and Carlton
Gregory, Sr.
Date of Incident: December 26, 1999
Location: Joe Jerkins Blvd. Austell, Georgia
through intersection of Memorial
Drive and Covington Highway,
Decatur Georgia.

Dear Sirs and Madam:

Please be advised that this firm represents the interests of Carlton Gregory, Jr.; Julon Gregory; Christopher White and Carlton Gregory Sr. for injuries received as a result of an incident on December 26, 1999. This letter shall constitute ante litem notice pursuant to applicable statutes.

FACTS

On or about December 26, 1999, at or about 11:20 p.m., just one day after Christmas, Julon Gregory was operating a 1990 Geo Prizm, owned by Carlton Gregory, Sr. Carlton Gregory, Jr. and Christopher White were passengers in the subject 1990 Geo Prizm, seated in the back seat. Mr. Gregory's vehicle was proceeding under a green light through the intersection of Memorial Drive and Covington Highway, Dekalb County, Georgia when suddenly and without warning his vehicle was broadsided at a high rate of speed by a 1989 Buick LeSabre motor vehicle operated by Keeon J. Almon. At time of the collision, Keeon J. Almon was being

Carlton, Jr. was rushed by ambulance to Dekalb Medical Center where CT scans demonstrated a C4 on C5 cervical vertebrae subluxation and C5 fracture with C4 facet fracture. Carlton, Jr. was then transferred to Eggleston Children's Hospital for further medical care.

Upon admission to Eggleston Children's Hospital, a MRI was performed which revealed a 20-degree angulation on C4 and C5 and an associated 5-mm subluxation. On December 29th, the treating physician performed an external reduction of the subluxation using a halo traction modality. A few days later another MRI was performed that showed continued subluxation with a traumatic disk herniation. The herniation was pressing upon the spinal cord.

On January 5, 2000, Orthopaedic surgeons performed invasive surgery instituting a C3 through C5 arthrodesis with auto graft lateral mass plating. Carlton, Jr. remained in the pediatric intensive care unit until January 10, 2000. Carlton endured a most serious and painful injury, celebrated the transition into the year 2000 in the intensive care ward, and was millimeters away from complete paralysis. Carlton Jr. will be compromised for the rest of his life as a direct result of his injuries.

We are enclosing copies of Carlton's medical records and billing statements that we have obtained to date from Dekalb County EMS, Dekalb Medical Center, Radiology Associates of Dekalb, Eggleston Children's Hospital, the Emory Clinic - Pediatric Neurosurgery for your review. We will provide you with additional medical records and bills, as they become available.

Carlton's medical expenses are in the approximate amount of \$47,137.

JULON GREGORY:

Julon and Carlton are brothers. Julon is seventeen years old. Julon Gregory suffered chest wall contusion, neck, shoulder head and back soft tissue injuries.

We are enclosing the medical records and billing statements we have obtained to date from Dekalb Medical Center, Radiology Associates of Dekalb and Rehab Orthopedic Medicine regarding treatment for Julon's injuries.

Julon's medical expenses are in the approximate amount of \$2,458.

CHRISTOPHER WHITE:

Christopher White was a passenger in Julon Gregory's motor vehicle. Christopher suffered contusions and soft tissue injuries. Christopher was treated at Dekalb Medical Center. We will provide you with copies of Christopher's medical records and bill upon receipt thereof.

Christopher's medical expenses are in the approximate amount of \$600.

CARLTON GREGORY, SR.

Carlton Gregory, Sr. is Carlton, Jr. and Julon's father. Mr. Gregory's motor vehicle was totaled in the subject collision and his *property damage loss is in the approximate amount of \$4,200.*

This letter is intended to establish ante litem notification and is presumed to comply with all such requirements under O.C.G.A. §§ 36-33-5 & 50-21-26. If further information is needed, please feel free to contact the undersigned.

Very truly yours,

MONTLICK & ASSOCIATES, P.C.

BY: 

Patrick R. Matarrese
Attorney at Law

LTR_1509:274237:ndls

cc: Carlton Gregory, Jr.

00- R-1771